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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
VU, KIEU D

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/044,583	WIESE, STEVEN PAUL	
	Examiner	Art Unit	
	Kieu D Vu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10/12/04* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the Amendments filed 10/12/04 and 01/11/05.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,323,885. Although the conflicting claims are not identical, claims 1, 2, 3, 4, 5, 13, 14, 15, 17, and

18 of the instant application are anticipated by claims 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11 of US Patent No. 6,323,885, respectively.

Claim 19 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 12 of U.S. Patent No. 6,323,885. Although the conflicting claims are not identical, claims 19, 20, 21, and 22 of the instant application are anticipated by claims 12, 13, 14, and 15 of US Patent No. 6,323,885, respectively.

Claim 25 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 16 of U.S. Patent No. 6,323,885. Although the conflicting claims are not identical, claims 25 and 26 of the instant application are anticipated by claims 16 and 17 of US Patent No. 6,323,885, respectively.

Claim 28 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 18 of U.S. Patent No. 6,323,885. Although the conflicting claims are not identical, claims 28, 29, 30, 31, 33, and 34 of the instant application are anticipated by claims 18, 19, 20, 21, 22, and 23 of US Patent No. 6,323,885, respectively.

Claims 24, 27, and 32-33 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12, 16, 18, and 22 of U.S. Patent No. 6,323,885. Although the conflicting claims are not identical, claims 24, 27, and 32-33 of the instant application are anticipated by claims 12, 16, 18, and 22 of US Patent No. 6,323,885, respectively.

Claim 11 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,323,885. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art, having the teaching of USP 6,323,885 before him at the time the invention was made, to have magnitude of the plurality of subranges varies among the symbols with the motivation being to enable the user to easily and quickly acknowledge the dimension of the subranges by looking at the symbols.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-7, 13-17, 19-23, 25-26, 28-31, and 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown ("Brown", USP 5794216) and Manson et al ("Manson", USP 5731997).

Regarding claims 1, 2, 19, 25, 28, 29, 30, Brown teaches a method of displaying on a computer information regarding values associated with a plurality of geographic locations including the steps of receiving a request for information regarding a first geographic area including the plurality of geographic locations (col 7, lines 48-65), receiving a plurality of values each associated with one of the plurality of geographic

locations (Fig. 13) and displaying a map of the first geographic area in response to said request for information (region 204). Brown does not teach the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the associated value of said each of the plurality of geographic locations and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information. However, such feature is known in the art as taught by Manson. Specifically, Mason teaches a method for displaying data pertaining to an artifact which comprises the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations (col 8, lines 41-47) and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information (Fig. 2). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown to include the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations taught by Manson with the motivation being to enable the users to read the search result easily and efficiently.

Regarding claims 3, 20, 26, and 31, Brown teaches the values are price values (Fig. 13).

Regarding claims 4, 17, 21, and 34, Brown and Manson do not teach that the values are rental values or street addresses. However, the Examiner takes Official Notice that using rental values or street addresses as queries is well known in real

estate search. It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include the well known searching on rental values or street addresses with the motivation being enable the user to search for the user to search on different categories.

Regarding claims 5 and 22, Brown teaches the displaying a list of a plurality of geographic area (Fig. 14).

Regarding claims 6, 7, and 23, Manson teaches that the plurality of symbols each include a different shape or a different color (Fig. 4).

Regarding claim 13, Mason teaches displaying a legend indicating the values associated with each of the plurality of symbols (Fig. 17).

Regarding claim 14, Brown teaches displaying an advertisement (Fig. 14)..

Regarding claim 15, Brown teaches receiving a request for additional information for a selected one of the plurality of geographic locations (block 216) and displaying the additional information (Fig. 15)

Regarding claim 16, Brown teaches that the additional information includes an address for the selected one of the plurality of geographic locations (Fig. 15).

Regarding claims 35, 37, and 39, Manson teaches each of the plurality of symbols is different in appearance (see different Feature layers in Fig. 7).

Regarding claims 36, 38, and 40, Manson teaches assigning each of the plurality of symbols to more than one of the plurality of geographic locations based upon the associated values (see point features 34 in Fig. 2).

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Manson, and DeLorme et al ("DeLorme", USP 5559707).

Regarding claim 18, Brown and Manson do not teach that the each of the plurality of values is associated with a street address. However, the Examiner takes Official Notice that using street addresses as queries is well known in real estate search. It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include the well known searching on street addresses with the motivation being enable the user to search on different categories.

Brown and Manson do not teach that the associating each of the plurality of values with a latitude and longitude. However, such feature is known in the art as taught by DeLorme. DeLorme teaches a computer aided routing system which comprises the associating a value with a latitude and longitude (col 42, lines 30-33). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and DeLorme before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include the associating value with a latitude and longitude with the motivation being inform users the latitude and longitude of the object.

7. Claims 8-10, 24, 27, 32-33, and 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Manson, and Tachibana et al ("Tachibana", USP 6219053).

Regarding claim 8, Brown and Manson do not teach associating each of the plurality of symbols with different ranges of values. However, such feature is known in the art as taught by Tachibana. Tachibana teaches associating different symbols (square, triangle, circle) with different ranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include associating different symbols with different ranges with the motivation being enable the user to the user to easily and quickly acknowledge the ranges by looking at the symbols.

Regarding claim 9, Tachibana teaches each symbol has an associated color and shape (col 17, lines 62-67). Manson teaches that the plurality of symbols each include a different shape or a different color (Fig. 4).

Regarding claim 10, Brown, Manson, and Tachibana do not teach a magnitude of the ranges varies among the plurality of symbols. However, it would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to have magnitude of the plurality of subranges varies among the symbols with the motivation being to enable the user to easily and quickly acknowledge the dimension of the subranges by looking at the symbols.

Regarding claims 24 and 27, Brown and Manson do not teach associating each of a plurality of colors with one of a plurality of ranges of values. However, such feature is known in the art as taught by Tachibana. Tachibana teaches associating different

symbols (square, triangle, circle) with different ranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67). Tachibana further teaches setting shape and color of icon indicating a node for each range (each hierarchical level) (line 63 of col 14 to line 2 of col 15). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include associating different colors with different ranges with the motivation being enable the user to the user to easily and quickly acknowledge the ranges by looking at the colors.

Regarding claim 32, Brown and Manson do not teach associating each of a plurality of shapes with one of a plurality of ranges of values. However, such feature is known in the art as taught by Tachibana. Tachibana teaches associating different symbols (square, triangle, circle) with different ranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67). Tachibana further teaches setting shape and color of icon indicating a node for each range (each hierarchical level) (line 63 of col 14 to line 2 of col 15). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include associating different shapes with different ranges with the motivation being enable the user to the user to easily and quickly acknowledge the ranges by looking at the shapes.

Regarding claim 33, Mason teaches displaying a legend indicating the values associated with each of the plurality of symbols (Fig. 17).

Regarding claims 41 and 45, Brown teaches a method of displaying on a computer information regarding values associated with a plurality of geographic locations including the steps of receiving a request for information regarding a first geographic area including the plurality of geographic locations (col 7, lines 48-65), receiving a plurality of values each associated with one of the plurality of geographic locations (Fig. 13) and displaying a map of the first geographic area in response to said request for information (region 204). Brown does not teach the associating each of a plurality of symbols having visually identifying characteristic with each of the plurality of geographic locations based upon the associated value of said each of the plurality of geographic locations and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information. However, such feature is known in the art as taught by Manson. Specifically, Mason teaches a method for displaying data pertaining to an artifact which comprises the associating each of a plurality of symbols visually identifying characteristic with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations (col 8, lines 41-47) and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information (Fig. 2). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown to include the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations taught by Manson with the

motivation being to enable the users to read the search result easily and efficiently.

Brown and Manson do not teach the symbols having first visually identifying characteristic indicating range and second visually identifying characteristic indicating subrange. However, such feature is known in the art as taught by Tachibana. However, such feature is known in the art as taught by Tachibana. Tachibana teaches associating different symbols having first visually identifying characteristic (shapes (square, triangle, circle)) and second visually identifying characteristic (color) with different ranges and subranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67) (line 63 of col 14 to line 2 of col 15). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include associating different symbols having first visually identifying characteristic (shape) and second visually identifying characteristic (color) with different ranges and subranges (first hierarchical level, second hierarchical level...) with the motivation being enable the user to the user to easily and quickly acknowledge the ranges and subranges by looking at the shapes and colors.

Regarding claims 42 and 46, Tachibana teaches one of the first visually identifying characteristic and the second visually identifying characteristic is shape (square, triangle, circle).

Regarding claims 43-44 and 47-48, Tachibana teaches the other of the first visually identifying characteristic and the second visually identifying characteristic is color (line 63 of col 14 to line 2 of col 15).

Allowable Subject Matter

8. Claims 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (see Office Action mailed 07/06/04 for reasons for the indication of allowable subject matter).

9. Applicant's arguments filed on 10/12/04 have been fully considered but they are not persuasive.

Applicant's argument "Claim 11 is not obvious over claims of patent number 6,323,885 because it would not have been obvious to vary the magnitude of each subrange" is not persuasive. Since claim 11 recites "associating each of a plurality of shapes with one of a plurality of subranges", each subrange is associated with a different shape. If the magnitude of subranges does not vary, it will defeat the purpose of using different shape for each subrange. Therefore, there is a suggestion in claim 11 that different shape can be used for different subrange. Thus, it would have been obvious to one of ordinary skill in the art, having the teaching of USP 6,323,885 before him at the time the invention was made, to have magnitude of the plurality of subranges varies among the symbols with the motivation being to enable the user to easily and quickly acknowledge the dimension of the subranges by looking at the symbols (shapes).

Applicant's argument "Neither, Brown nor Manson discloses associating a symbol based on an associated value" is not persuasive. Manson teaches the symbol associated with each object is based on each type of point feature (attribute) of

geographic location (col 8, lines 37-53). Therefore, it can be reasonably interpreted that Manson teaches associating symbol based on an associated value (attribute).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, since both teachings of Brown and Manson are on the same field of using user interface for displaying geographic location, it would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown to include the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations taught by Manson with the motivation being to enable the users to read the search result easily and efficiently.

In response to Applicant's argument regarding rejection of claim 18, it is noted that Brown and Manson do not teach that the each of the plurality of values is associated with a street address. However, the Examiner takes Official Notice that using street addresses as queries is well known in real estate search. It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by

Brown and Manson to include the well known searching on street addresses with the motivation being enable the user to search on different categories.

In response to Applicant's argument regarding rejections of claims 8-10, it is noted that Brown and Manson do not teach associating each of the plurality of symbols with different ranges of values; therefore Tachibana teaching is combined in the rejection to cure this deficiency. Tachibana teaches associating different symbols (square, triangle, circle) with different ranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include associating different symbols with different ranges with the motivation being enable the user to the user to easily and quickly acknowledge the ranges by looking at the symbols.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

703-872-9306

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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